

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

DARRYL DUDLEY, #151365

Plaintiff(s),

CASE NO.: 05-CV-60142-AA

vs.

HON. JOHN CORBETT O'MEARA  
MAG. JUDGE WALLACE CAPEL, JR.

JOHN DOE "D" RICHARD,

Defendant(s).

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**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL**  
**AND**  
**GRANTING IN-PART MOTION FOR ENLARGEMENT**

This matter is before the Court on the Defendant's "Motion To Compel And For Enlargement," filed on October 19, 2005. The Defendant is seeking to obtain the medical records of the Plaintiff in this case since the issue of deliberate indifference to his medical needs constitutes part of his claim against the Defendant in this matter. Defendant states in its motion that it initially sent a Medical Release form to the Plaintiff for his signature on September 14, 2005. Plaintiff did not respond. A second request was subsequently sent to which the Plaintiff responded. The Plaintiff has filed a response to the motion. In his response the Plaintiff seeks to limit the records which he is willing to release.

Having considered the motion, and the nature of the Plaintiff's allegations of deliberate indifference to his medical needs, the Court finds that the medical records being sought by the Defendant are not unduly intrusive and that the medical records would be helpful in determining the substance of the issues in this case.

Accordingly, the motion to compel medical records is hereby **GRANTED**. The Plaintiff shall provide to the Defendant his full medical records for the time period in question within **10** days of receipt of this order.

**IT IS FURTHER ORDERED** that the Defendant's motion to extend time to file a responsive pleading is **GRANTED IN-PART**. The Defendant shall file a responsive pleading within 14 days after receipt of the Plaintiff's medical records.

**IT IS SO ORDERED.**

The parties are hereby informed that any objection to this order must be filed with the district court within ten days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

**DATED: October 25, 2005**

**s/ Wallace Capel, Jr.**  
**WALLACE CAPEL, JR**  
**UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on **October 25, 2005**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: Diane M. Smith, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Darryl Dudley #151365, Standish Maximum Correctional Facility, 4713 W. M-61, Standish, MI 48658

**s/James P. Peltier**  
**James P. Peltier**  
**Courtroom Deputy Clerk**  
**U.S. District Court**  
**600 Church St.**  
**Flint, MI 48502**  
**810-341-7850**

